

On March 25, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 30 cases of milk of magnesia at Chicago, Ill., alleging that the article had been shipped in interstate commerce, September 23, 1932, by the Schuylkill Chemical Co., from Philadelphia, Pa., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Milk of Magnesia \* \* \* U.S.P. \* \* \* Distributed by Honor Research Laboratories New York-Chicago."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated upon its label.

Misbranding was alleged for the reason that the statement on the label, "Milk of Magnesia \* \* \* U.S.P.", was false and misleading.

On May 11, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20917. Misbranding of aspirin tablets. U. S. v. 1,296 Tins of Aspirin Tablets. Consent decree of forfeiture. Product released under bond to be relabeled. (F. & D. no. 29056. Sample no. 9392-A.)**

This action involved an interstate shipment of aspirin tablets, the labeling of which bore unwarranted curative and therapeutic claims. The article would not make an antiseptic gargle as claimed on the carton label.

On October 13, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 1,296 tins of aspirin tablets at Boston, Mass., alleging that the article had been shipped in interstate commerce into the State of Massachusetts on or about September 30, 1932, by the American Pharmaceutical Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Aspirin Tablets A C A. \* \* \* Aspirin Co. of America \* \* \* Sole Distributors American Pharmaceutical Co., Inc., New York, N. Y."

It was alleged in the libel that the article was misbranded in that the statement on the carton, "For Antiseptic Gargle", was false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton) "For Toothache \* \* \* Antiseptic Gargle \* \* \* for Rheumatism, Sciatica, Lumbago, Pain"; (leaflet) "For the alleviation of pain. \* \* \* Directions Rheumatism, Lumbago, Sore joints and muscles—\* \* \* Acute Pain from Sciatica, Toothache."

On May 18, 1933, the American Pharmaceutical Co., Inc., Jersey City, N. J. having appeared as claimant for the property, and the court having found that the misbranding charge based on the curative and therapeutic claims on the cartons and leaflets were admitted, judgment of forfeiture was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that the cartons and leaflets be removed and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20918. Adulteration and misbranding of Vi-Te-Ma stock compound and Vi-Te-Ma poultry compound. U. S. v. Ninety-seven 3-Pound Packages of Vi-Te-Ma Stock Compound, et al. Default decrees of condemnation and destruction. (F. & D. nos. 29822, 29829, 29830, 29831, 30060, 30392, 30515, 30516, 30595. Sample nos. 23892-A, 23983-A, 26953-A to 26958-A, incl., 26974-A to 26981-A, incl., 27043-A, 27044-A, 35194-A to 35197-A, incl., 35567-A, 35568-A, 38954-A, 38955-A, 38956-A.)**

These cases involved products sold as stock and poultry conditioners, containing yeast and cod-liver oil, and which, in fact, contained no yeast or cod-liver oil. The articles contained no ingredients which would produce rapid growth and improve the condition of livestock and hogs, promote growth in poultry, pigeons, etc., and increase egg production, all of which were claimed for the articles in the labels. The labels of both products also bore unwarranted curative and therapeutic claims.

On February 17, 1933, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of ninety seven 3-pound packages of Vi-Te-Ma stock compound, and forty seven 3-pound packages of Vi-Te-Ma poultry compound at Black Oak, Ark. Between the dates of February 28 and June 14, 1933, libels were filed in the Northern District of Ohio, the Southern District of Ohio, and the Eastern District of Louisiana against various lots of the same products at Tiffin, Fostoria, and Cincinnati, Ohio, and Patterson and Waldheim, La.

The libels alleged that the articles had been shipped in interstate commerce, the shipments covering the period from November 11, 1932 to March 23, 1933; that the portion seized at Waldheim, La., had been shipped from Fostoria, Ohio, by the Vi-Te-Ma Products Co.; that the lot seized at Patterson, La., had been shipped from Fostoria, Ohio, by C. L. Jones; and that the products in all shipments were adulterated and misbranded in violation of the Food and Drugs Act as amended. The records do not show the identity of the shippers in certain cases.

Analyses of samples of the articles by this Department showed that the Vi-Te-Ma stock compound consisted essentially of calcium carbonate, magnesium sulphate, ferrous sulphate, small proportions of sulphur, quassia, and fenugreek seed, and traces of nux vomica and potassium iodide; and Vi-Te-Ma poultry compound consisted essentially of calcium carbonate, magnesium sulphate, iron oxide, small proportions of sulphur, quassia and capsicum, and a trace of potassium iodide. Yeast and cod-liver oil were not present in either article.

The libels charged adulteration of both products since their strength and purity fell below the professed standard and quality under which they were sold, namely: (Stock compound) "Ingredients:—Dry Yeast, Cod Liver Oil"; (poultry compound) "Containing the following ingredients: Yeast, Cod Liver Oil."

The libels further charged that the products were misbranded in that the following statements (or statements substantially the same), appearing in the labelings, were false and misleading: (Stock compound, label) "Highly recommended for growing and fattening live stock, as well as assists in increasing production. \* \* \* Ingredients:—Dry Yeast, Cod Liver Oil, \* \* \* Vi-Te-Ma"; (stock compound, leaflet) "live stock which is taken care of by the use of Vi-Te-Ma and the live stock receives in addition a superior vitamized \* \* \* supplement which assists in causing a rapid growth as well as increased production. \* \* \* The horse \* \* \* should never be allowed to become unthrifty or in a rundown condition. Vi-Te-Ma Stock Compound is a scientific product which largely assists in increasing the appetite, causing a rapid growth, smooth glossy coat, good spirits and staying qualities. \* \* \* When mixing 3 pounds of Vi-Te-Ma Stock Compound with 100 pounds of salt, it makes a balanced ration for sheep \* \* \* It assists in increasing the appetite as well as vitality, thus causing a rapid growth, \* \* \* All dairymen know that success or failure very largely depends upon balanced ration containing the essential vitamins: Yeast and Codliver Oil combined with the necessary minerals in order to make it profitable both in growth and production. \* \* \* The Hog \* \* \* Vi-Te-Ma shows a larger percent of profit in feeding hogs as it assists in promoting growth, earlier development, less food being required"; (poultry compound, label) "Containing the following ingredients: Yeast, Cod Liver Oil, \* \* \* For Production Of Eggs:—\* \* \* highly recommended for poultry of all ages, Chickens, Turkeys, Geese and Ducks, Pigeons, Rabbits, etc. for growth and production. \* \* \* Vi-Te-Ma"; (poultry compound, leaflet) "Vi-Te-Ma Poultry Compound is a highly concentrated product scientifically compounded as well as contains the essential vitamins Yeast and Cod Liver Oil in combination with the necessary minerals." Misbranding was charged for the further reason that certain statements regarding the curative or therapeutic effects of the articles, appearing in the labeling, were false and fraudulent. The false and fraudulent curative and therapeutic claims were as follows: (Stock compound, leaflet) "The most common diseases among sheep are derangement of the stomach, liver and bowels. \* \* \* we highly recommend Vi-Te-Ma Stock Compound for cows and their offspring. It assists in preventing certain diseases as well as many of the ailments to which the over-worked cow is subject. The hog \* \* \* Naturally, the more common dis-

eases among hogs are very materially reduced. \* \* \* Healthy Live Stock Pays Bigger Profits"; (coupon) "I hereby agree to use Vi-Te-Ma Compound according to directions printed on package, to justify the free use of a veterinary surgeon for diseases contracted after one month of consecutive feeding"; (selling instructions accompanying a portion) "And in fact, keep all of your live stock in a good healthy condition, wouldn't you be interested? In addition to this, we furnish a Veterinary Service or rather agree to pay the veterinary service in case your live stock becomes sick after using this product for a period of thirty days. This is necessary in order to get the system in condition to ward off disease"; (service certificate accompanying portion of stock compound) "The Vi-Te-Ma Products Company, of Tiffin, Ohio, \* \* \* does hereby agree to furnish a Veterinary Surgeon absolutely free when his stock becomes sick from any disease, \* \* \* provided he has used this product continuously and fed according to directions which appear on the package;" (poultry compound) "For Sick Fowls:—Separate the sick fowls from those not already affected and give one tablespoonful daily for every ten fowls."

No appearance or claim was entered in the cases. On May 1, 1933, judgment was entered in the case instituted in the Eastern District of Arkansas ordering that the products be destroyed. Decrees ordering condemnation and destruction of the products were entered in the remaining cases between May 3 and July 19, 1933.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20919. Misbranding of Lanno-Rub. U. S. v. 35 Tubes of Lanno-Rub. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29867. Sample no. 30212-A.)**

Examination of the drug preparation Lanno-Rub disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and tube and in a circular shipped with the article.

On February 20, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 35 tubes of Lanno-Rub at Washington, D. C., alleging that the article was in possession of the Lanno-Rub Chemical Co., Washington, D. C., and was being offered for sale in the District of Columbia, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of 7.8 percent of volatile oils such as pine needle oil, eucalyptol, menthol, and camphor, glycerin, ammonium soap, a small proportion of borax, and fats and waxes including lanolin.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: (Carton) "Use as a General \* \* \* Remedy for all Aches, Pains, Congestions, Inflammations, When Used Freely, We Guarantee Satisfaction"; (tube) "For All Aches, Pains or Congestions. \* \* \* Use for Coughs, \* \* \* Croup, Hay-Fever, Asthma, Catarrh, Rheumatism, \* \* \* Piles \* \* \* All Foot Troubles. \* \* \* and All Ailments of the Skin"; (circular) "Is effective by inhalation and penetration, healing \* \* \* The Glands require the healing oils. \* \* \* is applicable for all congestions, massage freely for coughs, \* \* \* croup, bronchitis, sore-throat, quinsy, asthma, hay-fever, etc. \* \* \* Massage freely for muscular rheumatism and neuritis, for piles use both externally and internally, \* \* \* Massage freely for skin ailments, \* \* \* For Sinus trouble Lanno-Rub Balm has the distinction of Wonderful Efficiency, used externally and internally. Satisfaction guaranteed when used freely."

On April 5, 1933, the Lanno-Rub Chemical Co., Washington, D. C., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$50, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*